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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

JEREMY JOHNSON, et al.,

Defendants.

Case No.: 2:10-cv-02203-RLH-GWF

O R D E R

(Motion to Quash #447)

Before the Court is Plaintiff Federal Trade Commission's ("FTC") **Motion to Quash** (#447, filed Jan. 23, 2011).

On January 12, 2012, Defendant Jeremy Johnson emailed Collot Guerard with a subpoena requiring her to appear at a court-ordered hearing on January 25 to testify in this matter. The Court has not scheduled a hearing in this matter for January 25, though it does have a hearing scheduled for the following day. After failing to convince Johnson to voluntarily withdraw the subpoena, the FTC filed this motion.

The Court grants the motion for two reasons: (1) there is no hearing scheduled on January 25 and thus the subpoena is improperly noticed; and (2) at this time it would be improper to allow Johnson to illicit testimony from opposing counsel. The Court is unaware of any attempt

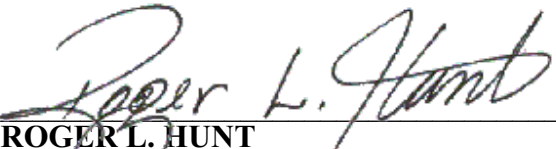
1 on Johnson's part to meet the high burden courts impose on parties seeking testimony from
2 opposing counsel. *See, e.g., Shelton v. Am. Motors Corp.*, 805 F.2d 1323, 1327 (8th Cir. 1986).
3 Until a party meets this burden, the Court will not condone subpoenas against opposing counsel in
4 this matter.

5 **CONCLUSION**

6 Accordingly, and for good cause appearing,

7 IT IS HEREBY ORDERED that the FTC's Motion to Quash (#447) is GRANTED.

8 Dated: January 24, 2012.

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11 **ROGER L. HUNT**
12 **United States District Judge**
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